

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

NOTICE OF MOTION

v.

DAVID RUBEL,
Defendants.

Case No: 20-cr-00195(JLS)(JJM)

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending the time within which the defense must file motions for 3 weeks for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York
July 6, 2021

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME
CAMBRIA, LLP
Counsel for Defendant
DAVID RUBEL
42 Delaware Avenue
Buffalo, New York 14202
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TO: LAURA HIGGINS, ESQ.

ASSISTANT UNITED STATES ATTORNEY
138 Delaware Ave.
Buffalo, NY 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID RUBEL

Defendants.

AFFIDAVIT
Case #20-cr-00195(JLS)(JJM)

STATE OF NEW YORK)
COUNTY OF ERIE SS:
CITY OF BUFFALO)

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By order of United States Magistrate Judge Jeremiah J. McCarthy motions are scheduled to be filed by Tuesday, July 6, 2021.
3. In the interim, counsel has had numerous conversations with the government. We have been provided with the Plea Agreement. However, we have made a number of proposals to the Plea Agreement. It will take some time but we believe that this matter will be resolved by a pretrial change of plea proceeding.
4. We believe that 3 weeks would give the parties enough time to either resolve the plea issues and schedule the matter for sentencing or to file motions.
5. The parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.
6. Assistant United States Laura Higgins has advised that she has no objection to

this request.

WHEREFORE, your deponent prays that this Court rule accordingly.

DATED: July 6, 2021
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
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Sworn to before me this 6th day
Of July, 2021

/s/Elizabeth M. Jagord-Ward

Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2022